

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WILLIAM GIACONE,

Plaintiff,

13cv1558

**ELECTRONICALLY FILED**

v.

VIRTUAL OFFICEWARE, LLC, DAVID  
HAREL,

Defendants.

**Order on Exhibits**

And now, this 4<sup>th</sup> day of November, 2014, the Court makes the following rulings on the  
(Proposed) Joint Exhibit List Chart (doc. no. 77):

1. Defendant's Objections to Plaintiff's Exhibits are OVERRULED as to the following Exhibits: M, P, FF, GG, JJ, KK, SS (subject to authentication at trial), TT (subject to authentication at trial), CCC, DDD, GGG.
2. Defendant's Objections to Plaintiff's Exhibits are SUSTAINED as to the following Exhibits: Y, Z, DD, WW, XX, YY, ZZ, AAA, BBB, EEE (may be used on cross-examination for impeachment purposes but not marked as exhibit), and FFF (may be used on cross-examination for impeachment purposes but not marked as exhibit).
3. Plaintiff's Objections to Defendant's Exhibits are OVERRULED as to the following Exhibits: 8, 20, 21, 22, 23, 24, 25, 36, 41, 42, and 43.
4. Plaintiff's Objection to Defendant's Exhibits are SUSTAINED as to the following Exhibits: 37, 38, 39, and 40.

5. Plaintiff's Objections to Defendant's Deposition Designations are SUSTAINED (but may be used on cross-examination for impeachment purposes but not marked as an Exhibit in conformance with Fed. R. Civ. Pr. 32(2)).

6. The Parties shall resubmit the Exhibit binders and refile the Joint Exhibit List Chart, in conformance with the above rulings, but shall not re-number the Exhibits. In other words, Exhibits upon which objections have been sustained shall be removed from the Exhibit Binders and the updated Exhibit List Chart) but shall *not be* replaced with a new Exhibit number (ex. if objection to Exhibit P3 is sustained, then P1, P2, P4 is in binder).

7. Plaintiff shall change its identification for Exhibits from letters to numbers (P1, P2, etc.), in conformance with the Practices and Procedures of this Court and the Case Management Order in this case (doc. no. 25 at ¶ (10)). Defendant shall also change its exhibits to D1, D2, etc. (rather than 1, 2, etc.) in conformance with same.

8. The updated Joint Exhibit List Chart shall be filed on ECF by November 7, 2014 at noon.

9. The parties shall hand-deliver new Exhibit binders to this Court (2 copies) by noon on November 7, 2014 and shall each retrieve the prior Exhibit binders at that time.

**SO ORDERED** this 4th day of November, 2014.

s/Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties